

**Tennessee Department of Labor & Workforce Development  
Workers' Compensation Division  
220 French Landing Drive  
Nashville, Tennessee 37243-1002  
(615) 532-4812  
Toll Free 1-800-332-2667  
TDD 1-800-848-0299  
Electronic Mail: WC.Info@tn.gov**

**2008 WORKERS' COMPENSATION LEGISLATIVE CHANGES**

This is a general overview and does not include all workers' compensation legislation passed by the General Assembly. For a complete, detailed review of this information and all workers' compensation bills introduced in this legislative session, please go to [www.legislature.state.tn.us](http://www.legislature.state.tn.us).

**MAXIMUM & MINIMUM BENEFIT CHANGES**

*Temporary Benefits* – The maximum weekly benefit rate for injuries occurring July 1, 2008 through June 30, 2009 is \$827.00 or 110% of the state's average weekly wage.

*Permanent Benefits* – The maximum weekly benefit rate for injuries occurring July 1, 2008 through June 30, 2009 is \$752.00 or 100% of the state's average weekly wage.

*Minimum Weekly Benefit* – The minimum weekly benefit rate for injuries occurring July 1, 2008 through June 30, 2009 for both temporary and permanent benefits is \$112.80.

**CLARIFIES STATUTE OF LIMITATIONS AND BENEFIT REVIEW ISSUES**

**Public Chapter 1183 (SB3791/HB3436)** provides that, if a Request for Assistance is filed with the Division before the statute of limitation expires, the time within which to file a Request for Benefit Review Conference will not expire before 60 days from the issuance of a Benefit Review Report resolving the Request for Assistance. This applies to injuries sustained on or after July 1, 2008.

This bill also clarifies that when a request for a Benefit Review Conference has been filed with the Division for over one year without the parties requesting the mediation be scheduled, the Division may schedule a specific date for a Benefit Review Conference and give notice to the parties at their last known address. If the Benefit Review Conference is held and the employee does not appear, the Commissioner may dismiss the claim.

This bill requires the Division to adopt rules relating to the issuance of impairment ratings for an employee.

This changes the terms “reconsideration” in TCA §50-6-238(d) to “administrative review”. This resolves confusion that has existed between reconsideration of a specialist’s order and reconsideration of a prior permanent partial disability award/settlement pursuant to TCA §50-6-241. Also, allows the Administrator to appoint an Administrative Review designee who is a Tennessee licensed attorney who has at least 5 years of experience with Tennessee workers’ compensation law.

This Act became effective June 19, 2008 unless otherwise noted.

### **REQUIRES CONSTRUCTION INDUSTRY TO CARRY WORKERS’ COMPENSATION INSURANCE**

**Public Chapter 1041 (SB1748/HB1645)** clarifies that unless you are a sole proprietor or partner (with no employees) getting paid directly by the property owner, an employer in the contracting group designated by the National Council of Compensation Insurance (NCCI) must have workers’ compensation insurance on themselves. This Act becomes effective December 31, 2009.

### **NAMES 6TH EDITION OF THE AMERICAN MEDICAL ASSOCIATION GUIDES AS THE “AMA GUIDES”**

**Public Chapter 1025 ( SB2650/HB2571)** clarifies that “AMA Guides” means the 6th edition of the *American Medical Association Guides to the Evaluation of Permanent Impairment*, American Medical Association, which became effective January 1, 2008 and will remain in effect until a new edition is designated by the general assembly. The edition approved by the General Assembly for the date the employee is injured is the edition that shall be applicable to the claim. In the event of a release of a new edition of the *American Medical Association Guides to the Evaluation of Permanent Impairment*, American Medical Association, the commissioner shall conduct an evaluation of the new edition and report the commissioner’s findings and recommendations to the general assembly within six (6) months of the release of the new edition. This Act became effective May 28, 2008.

### **PANEL FOR EMPLOYEE**

**Public Chapter 835 (SB3350/HB3170)** clarifies that the employer must provide appropriate panels for the employee to select each attending physician and each operating surgeon. This Act becomes effective July 1, 2008.